

REMARKS

Upon entry of the Amendment, Claims 1-3 and 5-9 are all the claims pending in the application. Claim 4 has been cancelled. Claim 1 has been amended, in that the subject matter of presently canceled Claim 4 has been added to Claim 1. Therefore, the above amendments to the claims add no new matter.

I. Rejection under 35 U.S.C. § 102(e)

Claims 1-3 and 5-9 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. patent 6,761,989 to Terahara et al.

Without admitting that the rejection is correct, Applicants respectfully submit none of the cited art anticipates Claim 1 as presently recited. Given that Claim 1 presently includes the subject matter of cancelled Claim 4, the rejection fails to account for each and every element recited in Claim 1.

Further, Claims 2-3 and 5-9 depend, directly or indirectly, on Claim 1. Therefore, Applicants respectfully submit that Claims 2-3 and 5-9 are patentable over the cited art for at least the same reason as Claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

II. Rejection under 35 U.S.C. § 103(a)

Claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. patent 6,761, 989 to Terahara et al.

Applicants respectfully submit that U.S. patent 6,761, 989 itself cannot form the basis of an obviousness rejection in view of 35 U.S.C. § 103(c). The '989 Patent and the present Application were both owned by Sumitomo Chemical Company at the time of the invention.

Further, without admitting that the '989 patent is prior art, Applicants respectfully submit that the block disclosed in the corresponding published application, U.S. 2001/0041279 ("the '279 application"), fails to teach or suggest the block copolymer presently recited in Claim 1.

The '279 application teaches that the blocks containing sulfonic acid groups preferably use blocks having a repeating unit represented by general formula [1], a block having a repeating unit represented by general formula [2], or a block composed of an epoxy resin. *See* paragraph [0019]. In formula [1] thereof, "X represents -O-, -S-, -NH-, or direct bond". *See* paragraph [0020] of the '279 application.

Applicants respectfully submit that this description fails to teach or suggest the block polymer recited in Claim 1. The description generally provides for -O-, -S-, -NH-, or direct bond, rather than specifically providing for -S-. In this regard, this general definition of "X" fails to suggest using -S-, because a person of ordinary skill in the art would not have been motivated to select -S-. In fact, the '279 application teaches away from using -S-, as it teaches that X preferably represents -O-. *See* paragraph [0022].

The block polymer recited in Claim 1 also provides unexpected results. Applicants respectfully direct the Examiner's attention to Table 1 of the present specification on page 36. At a minimum, the claimed block copolymer provides unexpected improvements in proton conductivity. For example, the Examples of the claimed block copolymer provide for at least

8.1E-2 while Comparative Examples 1 and 2 provide for 7.1E-2 and 1.2E-2. Therefore, the present invention provides for unexpected results.

Further, Claims 2-3 and 5-9 depend, directly or indirectly, on Claim 1. Therefore, Applicants respectfully submit that Claims 2-3 and 5-9 are patentable over the cited art for at least the same reason as Claim 1.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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